IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

–

WRIT PETITION NO : 21759 of 1995

Between:

Guddla Nageswara Rao S/o.Late Appana Reddy
R/o.Q.No.21, Hal Township Sunabeda
Koraput, Orissa State

..... PETITIONER

AND

1. Special Officer and Competent Authority,

Urban Land Ceiling, Visakhapatnam District.
2. Visakhapatnam Urban Development Authority
Rep. by its Vice-Chairman
Visakhapatnam District.

..RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the right of the propertied held by him as declared in 6(1) statement and without giving any opportunity one without following to procedure constituted under Urban Land (Ceiling and Regulation) Act 1926 as arbitrary, illegal and unconstitutional and in violation of principles of natural justice.

Counsel for the Petitioner: MR.GANTA RAMA RAO

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioner filed this writ petition invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India with a prayer to issue a writ of *Mandamus* declaring the action of the respondents "in interfering with the right of the properties held by him as declared in 6(1) statement and without giving any opportunity and without following to procedure constituted under Urban Land (Ceiling and Regulation) Act, 1926, as arbitrary illegal and unconstitutional and in violation of principle of natural justice".

The petitioner in his affidavit states that his mother Smt. Guddla Appayamma filed a statement under Section 6 (1) of the Urban Land (Ceiling and Regulation) Act, 1976 (for short "the Act"), duly disclosing that the land held by her was 2729 Square Yards of open land and 200 Square Yards with dwelling unit therein. The case of the petitioner is that the statement filed by the petitioner's mother under Section 6 (1) of the Act was not enquired into and no final orders have been passed and even without passing any final orders, the respondents made efforts to dispossess the petitioner from the lands in question without any authoritative order. It is under those circumstances, the present writ petition has been filed with a prayer noticed hereinabove.

In the counter affidavit it is clearly stated that the petitioner's mother filed statement under Section 6 (1) of the Act, which was numbered as C.C.382/76/A1 and after due enquiry, draft statement under Section 8 (1) of the Act together with notice under Section 8(3) of the Act determining the petitioner's mother as surplus land owner to an extent of 1266 Square Metres in Sy.No.50/12, part of Maddilapalem village was sent to the petitioner's mother vide the proceedings, dated 19.11.1977, under registered post with

acknowledgement due, inviting her to file objections, if any, against the draft statement. It was received on 06-12-1977. No objections were received. Final statement under Section 9 of the Act was issued vide the proceedings, dated 25-03-1978, confirming the mother of the petitioner to be a surplus land owner to an extent of 1266 Square Metres. Notification under Section 10 (1) and declaration under Section 10 (3) of the Act were issued and they were published in the A.P. Gazette, dated 15-09-1978 and 10-04-1980 respectively. That a notice under Section 10 (5) of the Act was sent to the mother of the petitioner on 21-04-1980 requiring her to surrender the possession of the surplus land. Notice was served on the petitioner's mother on 30-04-1980. The possession of the land was taken over and handed over to the then Tahsildar, Visakhapatnam on 16-11-1980 for safe custody with a view to prevent encroachments in the Government vested land. The matter was placed before the District Level Allotment Committee and State Level Allotment committee for allotting the land to the Government Departments under Section 23 of the Act. The Government, after careful consideration, allotted the land to Visakhapatnam Urban Development Authority to utilize for commercial purpose *vide* G.O.Ms.No.5013 Revenue (UC.I) Department, dated 19.12.1980. The possession was accordingly handed over to Visakhapatnam Urban Development Authority on 23-07-1993. Thereafter, the land continued with the Viskhapatnam Urban Development Authority.

The facts narrated in the counter affidavit speak for themselves and expose the falsity of the petitioner's claim. The surplus land was taken over after following the procedure prescribed under the provisions of the Act. In my consideration opinion, the petitioner is indulging in speculative litigation. The writ petition is absolutely devoid of merit requiring no interference of this Court.

The writ petition fails and shall accordingly stand dismissed without any order as to costs.

_____

B. SUDERSHAN REDDY, J.

Date:09-12-2004

GS/GJ

To

1. Special Officer and Competent Authority,

Urban Land Ceiling, Visakhapatnam District.

2. Visakhapatnam Urban Development Authority
Rep. by its Vice-Chairman
Visakhapatnam District.

3. Two C.Cs to the G.P. for Revenue, High Court of A.P.,
Hyderabad (O.U.T.)

4. 2CD copies